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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,448	11/07/2001	David Lewis	Mirus.030.03	3784

7590 03/22/2004

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New Berlin, WI 53151-0644

EXAMINER

GIBBS, TERRA C

ART UNIT	PAPER NUMBER
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1635

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/007,448	11/07/2001	Lewis et al.	Mirus.030.03

EXAMINER	
Terra C. Gibbs	
ART UNIT	PAPER NUMBER
1635	2

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

The reply filed on December 16, 2003, is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): In the response filed December 16, 2003, Applicant has amended all pending claims to be directed to a different invention than the originally presented invention. As amended, claims 1 and 3-16 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: In response to the prior Office Action filed on October 6, 2003, Applicant amended the claims to read on a process for delivering a polynucleotide into a cell of a mammal to inhibit nucleic acid expression. As amended, the claims are directed to a process for delivering a polynucleotide into a cell of a mammal to inhibit nucleic acid expression, the examination of which would require a separate and distinct search from that of the originally elected claims directed to a process for delivering a polynucleotide into a cell of a mammal to inhibit protein expression. A new, separate and distinct search would be required for a process for delivering a polynucleotide into a cell of a mammal to inhibit nucleic acid expression, separate from the search of a process for delivering a polynucleotide into a cell of a mammal to inhibit protein expression. Applicant has received an action on the merits for the originally elected invention, a process for delivering a polynucleotide into a cell of a mammal to inhibit protein expression, and all claims pending are drawn to a non-elected invention, this response is not considered to be responsive to the prior Office Action. See 37 CFR 1.111.

Since the reply filed on December 16, 2003 appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH** or **THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

If a complete response has not been submitted by the time the shortened statutory period for response set in the communication mailed has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 C.F.R. 1.136. In no case may an applicant extend the period for response beyond the six month statutory period.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terra C. Gibbs whose telephone number is (571) 272-0758. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John L. LeGuyader can be reached on (571) 272-0760. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


KAREN A. LACOURCIERE, PH.D.
PRIMARY EXAMINER